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22 September 2008

Kathleen Mallory
City of Oxnard
Planning Division
214 S. C Street
Oxnard, CA 93030

Subject: Comments on the Ormond Beach Specific Plan Recirculated DEIR (SCH 2005091094)

Dear Ms. Mallory:

David Magney Environmental Consulting (DMEC) has been retained by the Environmental Defense Center to review and comment on the City of Oxnard's Ormond Beach Specific Plan (OBSP). This letter provides comments on the Recirculated Draft Environmental Impact Report (RDEIR or DEIR) for the Specific Plan. DMEC's comments will focus primarily on biological resource issues assessed, or not adequately assessed in the RDEIR published in July 2008.

DMEC has been in business since July 1997, specializing in biological resource assessments, CEQA, and wetlands (including delineation, impact assessment, and mitigation planning). DMEC is owned by Mr. David L. Magney. Mr. Magney is a biologist and geographer, specializing in botanical resources and wetlands, and has been consulting full time since 1985, working for Dames & Moore, Jones & Stokes Associates, Fugro West, Inc., and ENSR before establishing DMEC. Mr. Magney is considered an expert on the flora of Ventura County, and has been "certified" as a qualified biologist by Ventura County Planning Division, Los Angeles County Regional Planning (SEATAC), and Santa Barbara County. He serves on the Los Angeles County Environmental Review Board. Mr. Magney's CV is attached.

Mr. Magney and DMEC has extensive experience in the Ormond Beach area. Mr. Magney managed the South Ormond Beach Wetland Restoration Plan on behalf of the City of Oxnard and California State Coastal Conservancy in 1995, while employed by Jones & Stokes Associates. At DMEC, Mr. Magney managed the Calleguas Creek Watershed Wetland Restoration Plan, published in 2000, for the Coastal Conservancy, which included the wetlands associated with Mugu Lagoon (which includes South Ormond Beach). Mr. Magney has published a checklist of vascular plants of Ormond Beach, based on several year's worth of investigation.

The Specific Plan area consists of two subareas (Northern and Southern), consisting of 322 and 595 acres, respectively. To add confusion to the referenced areas, the Northern Subarea is also called the South Shore Specific Plan Area, and the Southern Subarea is also called South Ormond Beach Specific Plan Area. However, the South Ormond Beach Specific Plan Area does not include lands that have traditionally and consistently been referred to as South Ormond Beach, i.e. the 220 acres of former SCE property "not included at this time" to the south.

Regarding the OBSP RDEIR, it contains an assessment of biological resources, with some background information provided as Appendix A.

DMEC

Hazardous Waste - DDT

Section 3.5.1.2 states, "It is possible that residual levels of agricultural chemicals may be present in soil and/or groundwater at the project site due to historical applications". I can state unequivocally that indeed the OBSP area IS contaminated with pesticides such as DDT and derivatives, at hazardous waste levels. This is based on sampling I commissioned while with Jones & Stokes Associates as part of the study I managed on a contract issued by the City of Oxnard to study the feasibility of wetland restoration on the former SCE property at South Ormond Beach (Jones & Stokes Associates 1995[1]). As part of that study, Jones & Stokes Associates reviewed published toxicity reports and contracted with EMCON Associates to determine contamination levels of a number of expected soil and water contaminants, including pesticides such as DDT and derivatives. The results of the sampling was included on Page 2-9 and in Table 2-3 of the JSA report, reporting levels of Total DDT at 2,264 parts per billion in sediment and 19,270 ppb in the Oxnard Industrial Drain. These levels exceed EPA thresholds for safety and the soil and water are considered toxic. According to the State of California, DTSC, Total DDT at levels greater than 1 ppm should be treated as hazardous waste[2]. Additionally, the DTSC recommends that for sites 61-100 acres in size should be sampled systematically with 25 composite samples from discrete samples taken on 1-acre centers[3], [4]. DTSC recommends contacting that agency if the project site is over 100 acres.

This information should have been used by the EIR consultant (URS) to identify areas known to be contaminated by hazardous waste, or conduct subsequent sampling in those areas to determine current conditions. This was not done. The RDEIR states that a Phase I Environmental Site Assessment (an assessment to determine the potential for hazardous materials) was performed by RBF in 2003 for the Northern Subarea. RBF's conclusions were that the site had a high potential for contamination by DDT and derivatives and recommended a Phase II site assessment. There is no evidence that a Phase II site assessment, which includes systematic soil sampling, was ever performed. Rather, URS simply recommends that a Phase II assessment be performed as mitigation. Since the handling and hazards associated with hazardous wastes are so onerous, the most appropriate action that the City should have taken was to require the Phase II assessment as part of the environmental review process, not deferred to study it later, after approval of the OBSP and establishment of conditions and mitigation.

Section 3.5.3.2.2 of the RDEIR identifies a significant impact: Impact HM-7: Impacts from Potentially Contaminated Soils Resulting from Agricultural Operations". This impact should be restated since it has been demonstrated through testing at an EPA-approved laboratory that the soils onsite do indeed contain DDT, DDD, and DDE at levels considered to be hazardous contamination. A Phase II site assessment should have been conducted as part of the DEIR to map and determine the exact levels and locations of soil that is contaminated.

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[1] Jones & Stokes Associates, Inc. 1995. South Ormond Beach Wetland Restoration and Management Plan. (JSA 94-080.) Sacramento, California. Prepared for City of Oxnard Community Development Department, Oxnard, California.

[2] Martz, Fred. 1992. Guidance, Chapter 8, DDT in Soil: Guidance for the Assessment of Health Risk to Humans. July. Office of the Science Advisor. State of California, DTSC, Sacramento, California.
Available at: http://www.dtsc.ca.gov/AssessingRisk/upload/chap8.pdf.

[3] Chernoff, G., D. Taylor, & D. Oudiz. No date. Interim Guidance for Sampling Agricultural Fields That Are Proposed for School Sites. Human and Ecological Risk Division, Department of Toxic Substances Control, California Environmental Protection Agency, Sacramento, California.
Available at: http://www.dtsc.ca.gov/AssessingRisk/upload/Sampling-Ag-Fields-for-Schools.pdf.

[4] California Department of Toxic Substances Control. 2002. Interim Guidance for Sampling Agricultural Fields for School Sites. 26 August, Second Revision. California Environmental Protection Agency, Sacramento, California. Available at: http://www.dtsc.ca.gov/Schools/upload/interim-ag-soils-guidance.pdf.

Mitigation Measure HM-1: Soil Sampling, beginning on Page 3.5-18 of the RDEIR only requires further study, via a Phase II site assessment. There are no requirements in this mitigation measure on how the hazardous waste is to be treated if found onsite exceeding federal and state thresholds. The EIR needs to provide complete and feasible mitigation measures before they can be considered adequate, and for concerned citizens, regulatory and responsible agencies, and decisionmakers can make meaningful decisions about how best to deal with contaminated soils onsite that will be used for human habitation. The RDEIR fails in this respect.

DEIR Biological Resources

Section 3.6 addresses, or attempts to address, biological resource issues related to the OBSP.

Figure 3.6-1 of the RDEIR illustrates the location of various land uses in the area of the OBSP area, including game preserve lands. A small triangle-shaped parcel south of the southeastern corner of the OBSP area, immediately south of the Shoreline Organics parcel, is also a Ventura County Game Preserve, and should be corrected to show all such areas.

Figure 3.6-1 also shows the former SCE tank farm as owned by Reliant Energy. This is wrong. The tank farm (no longer a tank farm) was purchased by the Coastal Conservancy a few years ago, as well as the wetland areas to the west and south of the generating station.

Section 3.6.1.2, page 3.6-3, states that the Coastal Conservancy is working on a plan to restore 750 acres of south Ormond Beach as wetlands. The actual acreage of the wetlands to be restored has yet to be determined, and 750 acres is considered a minimum number, as well as significant buffers of upland habitats. To state that the Coastal Conservancy is only considering a 750-acre area is inaccurate and misleading.

Table 3.6-1 lists 9 plant species as occurring in the Northern Subarea, and all of them are invasive exotics except the *Cupressus*, which was planted. A total of 16 plant species were identified in Table 3.6-4 for the Southern Subarea. This is a clear indication that the botanical survey (conducted on November 3, 2005) was wholly inadequate and did not follow minimum survey guidelines or professional standards for determining baseline conditions. Granted most of the property is in agricultural production, similar properties nearby, also in cropland, have many more species of plants than reported in the RDEIR. A drive-by look at the plants growing at the southern edge of the Northern Subarea on 18 September 2008 found at least another dozen plant species growing naturally, including: *Conyza bonariensis, Xanthium strumarium, Marah fabaceus, Opuntia, Diplachne uninerva, Carpobrotus edulis*, some of which are native species. None of these was identified in the EIR as present onsite, for either Subarea, supporting the argument that the biological assessment was wholly inadequate. The preparers did not follow standard botanical survey or assessment protocols published by the California Department of Fish and Game (2000[5]), California Native Plant Society (1995[6], 2000[7]), or the U.S. Fish and Wildlife Service (2000[8]).

[5] California Department of Fish and Game (CDFG). 2002. List of California Terrestrial Natural Communities Recognized by the California Natural Diversity Database. May 2002. Wildlife and Habitat Data Analysis Branch. The Resource Agency, State of California, Sacramento, California.

[6] California Native Plant Society (CNPS). 1995. Collecting Guidelines and Documentation Techniques, Policy Statement. Adopted 4 March 1995. Board of Directors, Sacramento, California. See www.cnps.org for complete text of policy statement.

[7] California Native Plant Society (CNPS). 2001. Botanical Survey Guidelines. Board of Directors, Sacramento, California. See www.cnps.org for complete text of guidelines.

[8] U.S. Fish and Wildlife Service. 2000. Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants. January. Carlsbad, California.

Clearly, no botanist surveyed the specific plan area, or they were wholly unqualified or incompetent to do so.

The "explanation" in Section 3.6.1.6.6 as to why a comprehensive plant survey is not necessary because, "…most of the project site is highly disturbed and under agricultural production", is not adequate to argue against conducting seasonal field surveys. Furthermore, assuming URS' statement is correct, the field survey would not take long and would confirm their position. Without actual evidence and an attempt to document what species are present and habitat conditions, their conclusions are entirely unsubstantiated speculation. Too many times have special-status species been found in areas some biologists didn't think could support them to trust such a judgment.

Section 3.6.1.5.6 of the RDEIR states that, "no special-status plant species were during the reconnaissance field survey and none are expected to occur due to lack of suitable habitat". The fact that the URS "botanist" could not/did not identify more than half the plants species actually present onsite puts into serious question whether they could recognize one or more, if any, of the special-status plant species potentially occurring in the OBSP area. Furthermore, most annual and herbaceous perennial species are not identifiable or detectable in early November. Seasonal surveys are required during the spring and early summer to detect such special-status, much less more common, plant species.

I have documented 135 vascular plant taxa as occurring in the Ormond Beach area (Magney 2006[9]), which includes and focuses on the area immediately south and west of the OBSP areas; however, it is almost certain that at least 10 percent of those vascular plants on that list also occur within the OBSP boundaries. Furthermore, if intensive agricultural activities were to cease in any part of the OBSP areas, many of these species would recolonize those fallowed agricultural lands, as they originally occurred there prior to conversion of the land to agricultural production.

While the RDEIR actually lists all the categories of special-status species in text, it did not list any of the locally rare plants with potential to occur onsite (in text or on Table 3.6-6), as listed by the California Native Plant Society, Channel Islands Chapter, which has been available online and updated at least biannually since 2000 (Magney 2008[10]). Table 3.6-6 and 3.6-7 provide a short list of special-status species known or potentially present onsite or in the Ormond Beach area, with opinions about each taxon's potential for occurrence in the OBSP area. Field surveys would have provided the necessary evidence to support the suppositions of URS, had adequate or even seasonal surveys been conducted. Regardless, the assessment on impacts to native plants, including special-status species, is wholly inadequate and must be assessed in much greater detail.

Page 3.6-18, 1st paragraph, states that Spiny Rush is a locally rare species. Spiny Rush (*Juncus acutus* ssp. *leopoldii*) is a CNPS List 4 species (CNPS 2001[11]); this is correctly noted on Table 3.6-6. A total of 34 vascular plants known to occur on South Ormond Beach are considered **rare** in Ventura County, which included taxa formally listed and listed by CNPS statewide. These are shown in bold typeface on the list

[9] Magney, D.L. 2006. Vascular Plants of South Ormond Beach, Oxnard, Ventura County, California. California Native Plant Society, Channel Islands Chapter, Ojai, California.
Published and available on http://www.cnpsci.org/html/PlantInfo/SouthOrmondBeachPlants.pdf.

[10] Magney, D.L. 2008. Checklist of Ventura County Rare Plants. 21 May 2008, Thirteenth edition. California Native Plant Society, Channel Islands Chapter, Ojai, California. Published on www.cnpsci.org.

[11] California Native Plant Society (CNPS). 2001. *Inventory of Rare and Endangered Plants of California*. Sixth edition. (Special Publication No. 1.) Rare Plant Scientific Advisory Committee, David Tibor, Convening Editor, Sacramento, California. September.

include as an attachment to this letter. Many of the rare plants known to occur in the Ormond Beach area are wetland plants, and are found in or adjacent to the Oxnard Drain, which passes through the OBSP area. The likelihood/potential for occurrence of these rare plants within the OBSP area, particularly in one or more of the drains, is much higher than stated by URS in the RDEIR, is not assessed at all. The EIR should be modified to include as assessment of these species. Federally listed *Cordylanthus maritimus* ssp. *maritimus* was observed and mapped by me, as part of the Jones & Stokes Associates (1995) study, on the old levee immediately adjacent to the Oxnard Drain, immediately south of the OBSP Southern Subarea, and has potential to occur onsite during favorable conditions some years. *Cordylanthus maritimus* ssp. *maritimus* was not previously known to occur in that part of South Ormond Beach before the heavy rainy season of 1994. While it is closely associated with Saltmarsh vegetation, it does best when salinity levels are only brackish, certainly not when the soil or water is hypersaline. It is possible that *Cordylanthus maritimus* ssp. *maritimus* occurs in the Oxnard Drain within the OBSP Southern Subarea, under favorable seasonal climate conditions.

Table 3.6-7 of the RDEIR lists *Astragalus pycnostachyus* var. *lanosissimus* as occurring in coastal salt marsh habitat. That is not factually correct, and much more is known now about this endangered species since it was rediscovered at the North Shore site at Mandalay Beach (western Oxnard). A good summary of what is known about this plant is available on CNPS Channel Islands Chapter's website (http://www.cnpsci.org/PlantInfo/RarePlants/VMM_FinalReport_042607minus_sensitive_info.pdf) in a report CNPS published in early 2007 (Jensen 2007[12]). It cannot tolerate saline (Saltmarsh) conditions; rather, it grows in coastal areas immediately adjacent to coastal saltmarsh habitats where the groundwater is relatively shallow, at least seasonally. Such conditions might exist along or adjacent to the Oxnard Drain; however, it has never been reported as occurring naturally in the area.

Table 3.6-9 concludes that Osprey is not likely to occur onsite due to "degraded habitat". This conclusion is flawed as Osprey routinely forages and perches in area of southern California that are highly developed, such as in Long Beach along the San Gabriel River near its mouth, as observed and photographed by me on 24 August 1989. Osprey can certainly occur onsite, although it likely only happens infrequently.

Page 3.6-37 of the RDEIR gives the date of the Jones & Stokes Associates plan for South Ormond Beach as 1994. This is incorrect. It was published in May 1995; I was the primary author of that study.

The RDEIR failed to identify any impacts to special-status plant species, primarily because URS failed to conduct any botanical field surveys of the OBSP areas, and then concluded without any real evidence that none were present, or potentially present onsite. I have demonstrated above that one or more special-status plant species could occur onsite; therefore, the project does have potential to result in significant impacts that would require mitigation. This must be rectified.

The vast majority of biological resources impacts identified in the RDEIR are for loss of foraging habitat for a long list of special-status bird species. DMEC concurs with this generally; however, the proposed mitigation does not come close to reducing the impact to a level of insignificance. Even after mitigation, there will be a significant cumulative impact to foraging habitat for these species. Substantially more mitigation is required to reduce the level of significance to below significance thresholds.

[12] Jensen, N.J. 2007. The Habitat of *Astragalus pycnostachyus* var. *lanosissimus* (Ventura Marsh Milk-vetch) and an Assessment of Potential Future Planting Sites. 26 April 2007. Submitted to David L. Magney, Channel Islands Chapter, California Native Plant Society, Ojai, California. California Native Plant Society, Sacramento, California. Available at http://www.cnpsci.org/PlantInfo/RarePlants/VMM_FinalReport_042607minus_sensitive_info.pdf.

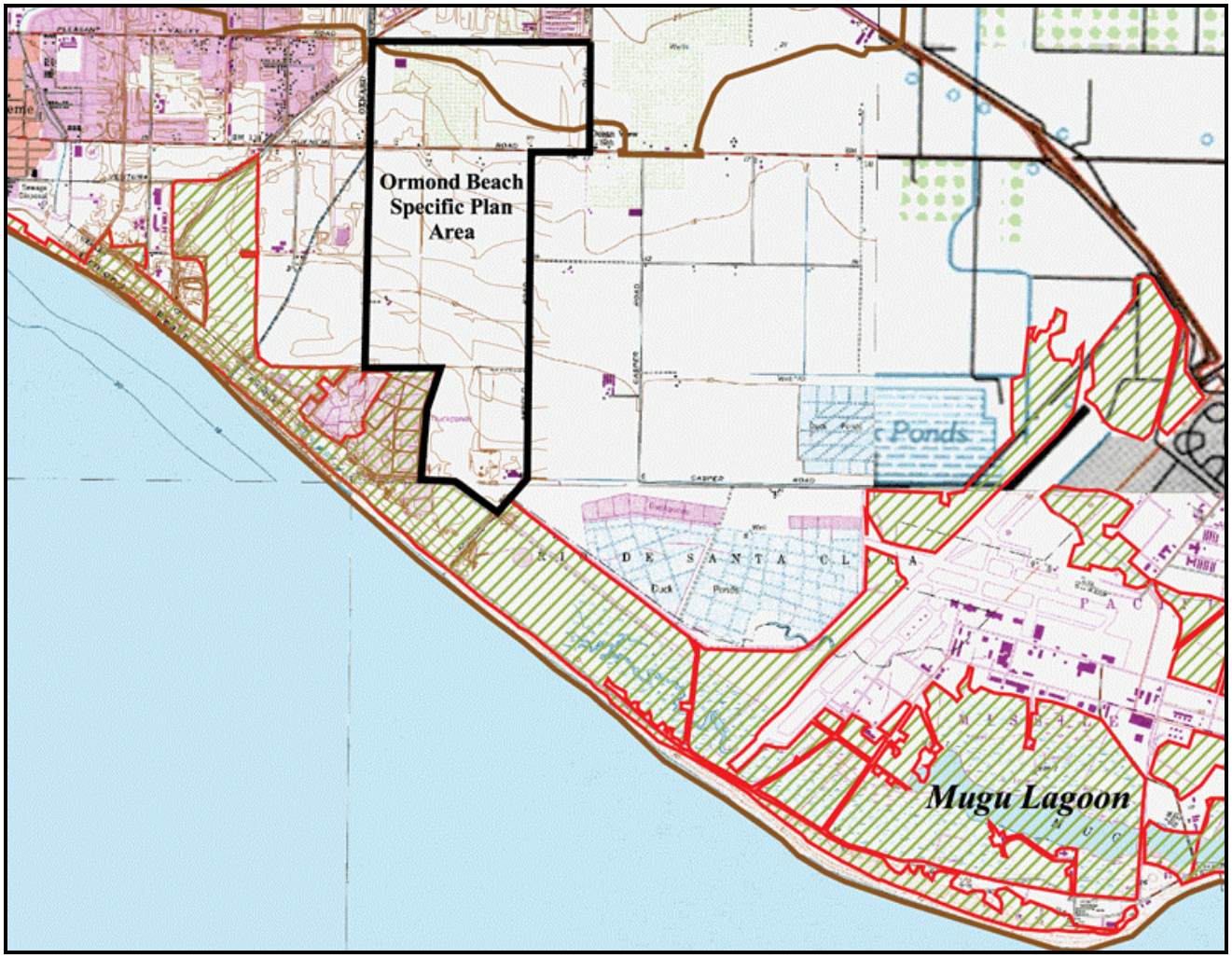
Section 3.6.3.4.3, Cumulative Impacts, of the RDEIR discounts that cumulative loss of 697 acres agricultural lands as functional habitat for wildlife because URS claims that the extant habitat in the area is fragmented and that no other development plans are proposed in the area. This is a spurious argument, and it ignores the specific and current proposal by the California State Coastal Conservancy to develop over 750 acres of South Ormond Beach into high functioning wetland and upland habitat, which would convert existing agricultural lands back to natural habitat. The OBSP proposal would permanently preclude much of the habitat restoration proposed by the State and other stakeholders, and would also preclude and prevent expansion and or migration of these existing and restored habitats inland as global warming causes sea level to rise. Sea level rise is a fact. What is not known is how fast and how high sea level will rise in the foreseeable future. Regardless, a rise in sea level by three (3) feet would put nearly all of the Southern Subarea of the ORSP area under sea water. When that happens, and if the ORSP area is developed as proposed by the City of Oxnard, existing and restored wetlands will have nowhere to migrate to as developed facilities will be protected by sea walls and levees.

The loss of existing habitats at Ormond Beach can be measured with reasonable projections of various levels and timing of sea level rise, and should be part of the analysis of impacts associated with the OBSP, since it will preclude natural migration of natural coastal habitats inland as sea level rises.

Wildlife Linkages/Corridors

Section 3.6.1.5.4 of the RDEIR provides a 1-paragraph description of the condition of wildlife corridors for the Northern Subarea while Section 3.6.1.6.4 has an even shorter paragraph about it for the Southern Subarea. The RDEIR claims that the OCSP area is habitat for wildlife, but does not provide any information about its suitability, viability, or functionality as a wildlife corridor or part of a larger one. No data are provided about this in Section 3.6 of the RDEIR. It refers to a map, Figure 3.6-2, dated July 2008.

Ventura County Planning Division and South Coast Wildlands updated the known wildlife movement corridors for Ventura County in June 2007, in consultation with biologists knowledgeable of Ventura County wildlife. The map below shows the areas that County biologists consider to be viable and existing wildlife movement corridors in the area. The wildlife corridors/linkages are shown as polygons of green diagonal lines outlined in red.



It is clear that the map above shows that consensus by the local biology experts consider South Ormond Beach an important and viable wildlife linkage to Mugu Lagoon and the Santa Monica Mountains further to the east. The OBSP area, Southern Subarea, is immediately adjacent to the mapped wildlife corridor along South Ormond Beach. As stated in the RDEIR, numerous species of wildlife, in particular birds, use the ag lands of the OBSP area as foraging habitat, and almost certainly originate from the core habitat areas within or via the wildlife corridor areas shown the map above. The wildlife corridors areas mapped are primarily a function of what natural areas remain on the Oxnard Plain, and those areas would expand if the ag lands were to lay fallow and natural vegetation recolonized the area.

This is an important consideration since the Coastal Conservancy has been studying in detail exactly how best to restore natural habitats in Ventura County, with specific emphasis on South Ormond Beach. Converting the existing agricultural lands to other, non-habitat, uses would preclude habitat restoration in the region.

Furthermore, the RDEIR does not adequately quantify, much less recommend adequate mitigation to compensate for the loss of existing foraging habitat, decreasing the value and functionality of the existing wildlife corridor on South Ormond Beach, or eliminating potential for habitat restoration and expansion of wildlife habitat onsite.

Much more analysis needs to be performed before the EIR can be considered adequate in regards to impacts to wildlife corridors.

Impacts to Mugu Lagoon

Mugu Lagoon is widely known as an extremely important and sensitive coastal wetland ecosystem. It is habitat for several federally and state listed species of plants and animals, and many more special-status species that are not formally listed, but qualify for such legal protection. Mugu Lagoon is immediately downstream of the OBSP, as can be seen in the map above, and would receive all runoff from all development that would occur there. The current land use, agriculture, while not ideal, provides habitat for a number of species that use Mugu Lagoon as their primary base, foraging on OBSP area land.

While the RDEIR states that contamination from runoff would be mitigated by the use of bioswales, no details on the their design was provided. The design is critical to the functionality, ability, of this method to adequately mitigate for the known and unknown contaminants that occur in urban and industrial runoff.

Regardless of the types of amounts of bioswales installed to filter out urban pollutants, when heavy rains occur, such as in 1969, 1978, 1994, 2005, and other years, the entire area is severely flooded, and water remains ponded for weeks, sometimes months. Under those conditions, all the floodwaters will bypass any bioswales that are constructed and the contaminated runoff will flow through Mugu Lagoon, resulting in adverse impacts to habitats and wildlife that use them.

Value of Ag Land

The stated value of the agricultural land in the OBSP area is $65,000. This does not match what most agricultural land in the Oxnard Plain has sold for in the recent past. For example, a 131-acre farm was sold in Oxnard recently for $7,000,000, which equals only $53,400+ per acre, as listed on the LoopNet real estate website (http://www.loopnet.com/xNet/MainSite/Comparables/Search/MaskedSearch Results.aspx). Another 21-acre farm near Camarillo sold for $400,000 or $19,144 per acre in July 2008.

The value of the land to be converted from agriculture to other uses needs to be up to date and factually correct, with the basis for the valuation provided in the EIR.

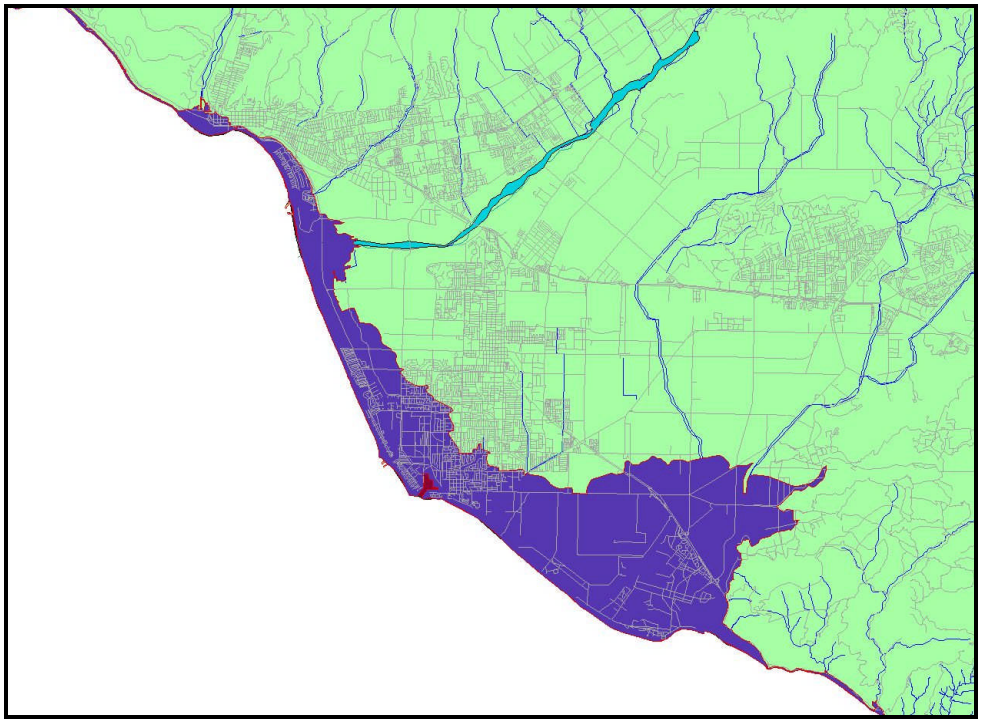
Wetlands Restoration Needs

As mentioned elsewhere in this letter, the environmental community, scientists, the Coastal Conservancy, and a large number of stakeholders have been working for many years to develop a coordinated and workable plan to preserve and restore natural habitat in the South Ormond Beach area, with a major focus on wetland habitats. The RDEIR fails to recognize the scope or facts of those efforts. The proposed OBSP precludes to a large extent the goals and plans of the aforementioned. The RDEIR should be revised to consider the impacts of the OBSP on the plans of the Ormond Beach Task Force, Coastal Conservancy, and stakeholders.

The RDEIR fails to consider developing the OBSP area as wildlife habitat, or to provide space for those habitats remaining on South Ormond Beach to migrate/retreat inland as sea level rises. The RDEIR should include an alternative that would set aside all of the Southern Area of the ORSP south of Hueneme Road for resource protection, while the area north of Hueneme Road would remain in Agricultural use ("Sierra Club/EDC Alternative"). This alternative could meet all of the properly identified Project objectives, except those associated with providing housing. This alternative is significantly distinguishable from

Alternative 4 of the RDEIR because it provides more acreage in support of resource protection[13]. By eliminating residential and industrial development from the Study Area, this alternative would significantly reduce or avoid most of the Project impacts, especially impacts to the Ormond wetlands. It would meet the enhancement of coastal resource objective by accommodating inland migration of the wetland area against sea level rise, providing a significant area for the restoration of critical upland habitat, and providing a significant buffer from inland development impacts[14].

The thick brown line on the map included above represents the 20-foot topographic contour. This line is important because if the icecaps melt and the Greenland Ice Sheet melts, sea level WILL rise at least 20 feet. The map below shows Ventura County and how far inland from existing conditions the shoreline will migrate with a 20-foot rise in sea level. As can be seen, all of Port Hueneme and all of Ormond Beach and Point Mugu will be under the ocean.



While sea level, even at its most rapidly projected rise, will not likely rise 20 feet in our lifetimes, if the ice sheets melt as described, it WILL rise, and prudent planning by land use planners and elected officials should be planning for the long term, not just for today. Even if the icecaps do not melt as described above, sea level is indeed rising, and even rising 2 to 3 feet will find that much of the southern portion of the OBSP Southern Area and nearly all of South Ormond Beach will be under water. This issue should be addressed in the EIR.

Out of Kind Mitigation Issue

The RDEIR suggests that the loss of agricultural lands used for foraging by a long list of wildlife species, primarily birds, can be mitigated by possibly preserving 220 acres of the Southern Subarea, which has been

[13] Zedler, Joy (Professor of Botany, University of Wisconsin-Madison). 2008. Letter to Kathleen Mallory (City of Oxnard) Re: Ormond Beach Specific Plan Recirculated DEIR, South Ormond Specific Plan And Southshore Specific Plan. Sep 11.
[14] Zedler 2008; California Coastal Commission 2001.

proposed for wetland restoration. First, it is inappropriate to mitigate the loss of upland foraging habitat with wetland habitat. The proposed "potential" mitigation is also only at 10% of the area impacted. The RDEIR also does not state that the 220 acres would indeed serve as mitigation, only that it might be done in the future, or not. Nothing about this approach to mitigating for the loss of upland foraging habitat is mitigated to a level of less than significant by what has been recommended in the RDEIR.

Normally, habitat losses need to be replaced in-kind, in equal area, or at least equal function. The mitigation proposed does neither. Sometimes, partial mitigation credit is given for direct impacts by preserving similar habitat nearby, in perpetuity. This approach is well established in Sacramento County with the loss of Swainson's Hawk foraging and roosting habitat and for the loss of vernal pool and seasonal wetlands habitat. Similar approaches may be appropriate in the Oxnard Plain area and should have been considered in the EIR. Regardless, what has been proposed leaves 90% of the impact unmitigated, if implemented.

Thank you for the opportunity to provide comments on the Ormond Beach Specific Plan EIR. I am available to answer any questions you may have.

Sincerely,

David L. Magney
President

cc: Karen Kraus, Esq., Environmental Defense Center

Attachments: Checklist of Plants of South Ormond Beach
Resume for David L. Magney

DMEC

Plants of South Ormond Beach, Oxnard, Ventura County, California

Scientific Name	Common Name	Growth Habit	Wetland Indicator Status	Family
Abronia maritime	Sticky Sand-verbena, Beach Pancake	PH	.	Nyctaginaceae
Ambrosia chamissonis	Beach Bur	PH	.	Asteraceae
Ambrosia psilostachya var. *californica*	Western Ragweed	BH	FAC	Asteraceae
Amsinckia menziesii var. *intermedia*	Rancher's Fire, Common Fiddleneck	AH	.	Boraginaceae
Anagallis arvensis *	Scarlet Pimpernel	AH	FAC	Primulaceae
Anemopsis californica var. *californica*	Yerba Manza	PH	OBL	Saururaceae
Anthemis cotula *	Mayweed	AH	FACU	Asteraceae
Apium graveolens *	Celery	PH	FACW*	Apiaceae
Artemisia biennis *	Biennial Wormwood	BH	FAC	Asteraceae
Artemisia californica	California Sagebrush	S	.	Asteraceae
Arthrocnemum* [*Salicornia*] *subterminale	Common Glasswort	S	OBL	Chenopodiaceae
Arundo donax *	Giant Reed	PG	FACW	Poaceae
Aster subulatus var. *ligulatus*	Annual Saltmarsh Aster	AH	FACW	Asteraceae
Astragalus trichopodus* var. *lonchus	Three-pod Milkvetch	PH	.	Fabaceae
Atriplex californica	California Saltbush	PH/S	FAC	Chenopodiaceae
Atriplex lentiformis var. *breweri*	Brewer's Saltbush or Quail Brush	S	FAC	Chenopodiaceae
Atriplex leucophylla	Beach Saltbush or Seascale	PH	FAC*	Chenopodiaceae
Atriplex rosea	Rose or Red or Tumbling Orache	AH	FACU	Chenopodiaceae
Atriplex semibaccata *	Australian Saltbush	PH	FAC	Chenopodiaceae
Atriplex triangularis	Halberd-leaved Orache	AH	FACW	Chenopodiaceae
Avena fatua *	Wild Oat	AG	.	Poaceae
Baccharis douglasii	Saltmarsh Baccharis	S	OBL	Asteraceae
Baccharis pilularis ssp. *consanguinea*	Coyote Brush	S	.	Asteraceae
Baccharis salicifolia	Mulefat, Seep-willow	S	FACW	Asteraceae
Bassia hyssopifolia *	Five-hook, Smother-weed	AH	FAC	Chenopodiaceae
Bolboschoenus* [*Scirpus*] *maritimus* var. *paludosus	Saltmarsh Bulrush	PH	OBL	Cyperaceae
Bolboschoenus* [*Scirpus*] *robustus	Seashore Bulrush	PH	OBL	Cyperaceae
Brassica nigra *	Black Mustard	AH	.	Brassicaceae
Bromus diandrus *	Ripgut Grass	AG	(FACU-)	Poaceae
Bromus hordeaceus *	Soft Chess	AG	FACU-	Poaceae
Bromus madritensis spp. *rubens* *	Red Brome	AG	NI	Poaceae
Cakile maritima *	European Searocket	AH	FACW	Brassicaceae
Callistemon viminalis *+	Weeping Bottle Brush	S	(FAC)	Myrtaceae
Calystegia soldonella	Beach Morning-glory	PV	.	Convolvulaceae
Camissonia cheiranthifolia* ssp. *suffruticosa	Beach Primrose	PH	.	Onagraceae
Carpobrotus chilensis *	Sea Fig	PH/S	.	Aizoaceae
Carpobrotus edulis *+	Hottentot Fig	PH/S	.	Aizoaceae
Centaurea maculosa *	Spotted Knapweed	BH	.	Asteraceae
Centaurea melitensis *	Tocalote	AH	.	Asteraceae
Chamaesyce ocellata* ssp. *ocellata	Littleye Spurge	AH	.	Euphorbiaceae
Chamomilla suaveolens	Pineapple Weed	AH	FACU	Asteraceae
Chenopodium macrospermum var. *halophilum**	Coast Goosefoot	AH	(FACW)	Chenopodiaceae
Chenopodium murale *	Nettle-leaved Goosefoot	AH	(FACU)	Chenopodiaceae
Conium maculatum *	Poison Hemlock	BH	FACW	Apiaceae
Convolvulus arvensis *	Bindweed	PV	.	Convolvulaceae
Conyza canadensis	Horseweed	AH	FAC	Asteraceae
Cordylanthus maritimus* ssp. *maritimus	Salt Marsh Bird's Beak	AH	OBL	Orobanchaceae

DMEC

Scientific Name	Common Name	Growth Habit	Wetland Indicator Status	Family
Coreopsis gigantea	Giant Coreopsis	S	.	Asteraceae
Cortedaria jubata *	Andean Pampas Grass	PG	.	Poaceae
Cortedaria selloana *	Pampas Grass	PG	.	Poaceae
Cotula coronopifolia *	Brass Buttons	AH	FACW	Asteraceae
Crassula connata	Pygmy [Sand-] Weed	AH	FAC	Crassulaceae
Cressa truxillensis* var. *truxillensis	Spreading Alkali-weed	PH	FACW	Convolvulaceae
Croton californicus var. *californicus*	California Croton	PH	.	Euphorbiaceae
Cuscuta salina* var. *major	Saltmarsh Dodder	AV	(FACW)	Cuscutaceae
Cynodon dactylon *	Bermuda Grass	PG	FAC	Poaceae
Cyperus eragrostis	Umbrella-sedge	PH	FACW	Cyperaceae
Cytisus scoparius *	Scotch Broom	S	.	Fabaceae
Distichlis spicata	Saltgrass	PG	FACW	Poaceae
Echinochloa crusgalli var. *crus-galli* *	Barnyard Grass	AG	FACW	Poaceae
Epilobium ciliatum ssp. *ciliatum*	Northern Willow-herb	AH	FACW	Onagraceae
Eriogonum parvifolium* var. *paynei	Payne Dune Buckwheat	S	.	Polygonaceae
Eucalyptus globulus var. *globulus*+	Tasmanian Blue Gum	T	.	Myrtaceae
Euthamia occidentalis	Western Goldenrod	PH	OBL	Asteraceae
Festuca pratensis *	Meadow Fescue	PG	FACU	Poaceae
Foeniculum vulgare *	Sweet Fennel	PH	FACU	Apiaceae
Frankenia salina	Alkali Heath	PH	FACW+	Frankeniaceae
Galium aparine	Catchseed Bedstraw	AH	FACU	Rubiaceae
Gnaphalium palustre	Lowland Cudweed	AH	FACW-	Asteraceae
Heliotropium curassavicum	Alkali Heliotrope	PH	OBL	Hydrophyllaceae
Heterotheca grandiflora	Telegraph Weed	PH	.	Asteraceae
Hirschfeldia incana * [*Erucastrum incanum*]	Summar Mustard	A/BH	.	Brassicaceae
Hordeum murinum ssp. *leporinum* *	Hare Barley	AG	NI	Poaceae
Isocoma menziesii var. *vernonioides*	Coastal Goldenbush	S	.	Asteraceae
Jaumea carnosa	Fleshy Jaumea	PH	OBL	Asteraceae
Juncus acutus* ssp. *leopoldii	Spiny Rush	PH	FACW	Juncaceae
Juncus balticus ssp. *balticus*	Baltic Rush	PH	OBL	Juncaceae
Juncus bufonius var. *congestus*	Congested Toad Rush	AH	OBL	Juncaceae
Juncus mexicanus	Mexican Rush, Wiregrass	PH	FACW	Juncaceae
Juncus textilis	Basket Rush	PH	OBL	Juncaceae
Kochia scoparia *	Common Kochia	AH	NI*	Chenopodiaceae
Lamarkia aurea *	Goldentop	AG	.	Poaceae
Lasthenia glabrata* ssp. *coulteri	Rayless Goldfields	AH	FACW	Asteraceae
Lavatera assurgentiflora* ssp. *assurgentiflora	Malva Rose, Island Mallow	S	.	Malvaceae
Leymus triticoides	Creeping Ryegrass	PG	FAC+	Poaceae
Limonium californicum	California Sea Lavender	PH	OBL	Plumbaginaceae
Malva parviflora *	Cheeseweed	AH	.	Malvaceae
Malvella leprosa	Alkali-mallow	PH	FAC	Malvaceae
Marrubium vulgare *	White Horehound	S	FAC	Lamiaceae
Medicago polymorpha *	Common Burclover	AH	(FACU)	Fabaceae
Melaleuca densa? *	Bottlebrush Melaleuca	S	(FACU)	Myrtaceae
Melilotus alba *	White Sweetclover	AH	FACU+	Fabaceae
Melilotus indica *	Yellow Sweetclover	AH	FAC	Fabaceae
Mesembryanthemum crystallinum *	Crystalline Ice Plant	AH	(FAC)	Aizoaceae
Mesembryanthemum nodiflorum *	Slenderleaf Ice Plant	AH	FACU	Aizoaceae
Monanthochloe littoralis	Shoregrass	PG	OBL	Poaceae

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Scientific Name	Common Name	Growth Habit	Wetland Indicator Status	Family
Myoporum laetum *+	Myoporum, Wax Myrtle	S	(FAC)	Scrophulariaceae
Nicotiana glauca *	Tree Tobacco	S	FAC	Solanaceae
Osteospermum fruticosum *+	Trailing African Daisy	PH	.	Asteraceae
Oxalis pes-caprae *	Bermuda Buttercup	PH	.	Oxalidaceae
Pennisetum clandestinum *	Kikuyu Grass	PG	FACU+	Poaceae
Piptatherum miliaceum *	Smilo Grass	PG	(FACU)	Poaceae
Plantago major *	Broadleaf or Common Plantain	PH	FACW-	Plantaginaceae
Polygonum punctatum	Dotted Smartweed	AH	OBL	Polygonaceae
Polypogon monspeliensis *	Rabbitsfoot Beardgrass	AG	FACW+	Poaceae
Psuedognaphalium stramineum *	Cotton-batting Plant	BH	FAC-	Asteraceae
Raphanus sativus *	Wild Radish	AH	.	Brassicaceae
Ricinus communis *	Castor Bean	S	FACU	Euphorbiaceae
Rumex crispus *	Curly Dock	PH	FACW-	Polygonaceae
Ruppia maritima	Wigeon-grass, Ditch-grass	PH	OBL	Zosteraceae
Salix exigua	Narrow-leaved or Sandbar Willow	S	OBL	Salicaceae
Salsola tragus *	Russian Thistle	AH	FAC	Chenopodiaceae
***Sarcocornia pacifica* [Sa*licornia virginica*]**	Pacific Pickleweed or Swampfire	S	OBL	Chenopodiaceae
Schoenoplectus* [*Scirpus*] *acutus* var. *occidentalis	Viscid or Common Tule	PG	OBL	Cyperaceae
Schoenoplectus* [*Scirpus*] *californicus	California Bulrush	PH	OBL	Cyperaceae
Senecio vulgaris *	Common Groundsel	AH	NI*	Asteraceae
Silybum marianum *	Milk Thistle	AH	.	Asteraceae
Sisymbrium altissimum *	Tumble Mustard	AH	FACU	Brassicaceae
Sisymbrium irio *	London Rocket	AH	.	Brassicaceae
Solanum nigrum *	Black Nightshade	AH	FACU	Solanaceae
Sonchus asper *	Prickly Sow-thistle	AH	FAC	Asteraceae
Sonchus oleraceus *	Common Sow-thistle	AH	NI*	Asteraceae
Spergularia marina	Saltmarsh Sandspurry	AH	OBL	Caryophyllaceae
Suaeda moquinii	Bush Seepweed	S	FAC+	Chenopodiaceae
Suaeda taxifolia	California Seablite	S	FACW+	Chenopodiaceae
Tetragonia tetragonioides *	New Zealand Spinach	AH	.	Aizoaceae
Triglochin concinna	Utah Arrow-grass	PH	OBL	Scheuchzeriaceae
Triglochin striata	Three-ribbed Arrow-grass	PG	OBL	Scheuchzeriaceae
Typha domingensis	Narrow-leaved Cattail	PH	OBL	Typhaceae
Urtica dioica ssp. *holosericea*	Hoary or Giant Creek Nettle	PH	FACW	Urticaceae
Urtica urens *	Dwarf Nettle	AH	(FACU)	Urticaceae
Washingtonia robusta *+	Mexican Fan Palm	T	.	Arecaceae
Xanthium strumarium ssp. *canadense*	Cocklebur	AH	FAC+	Asteraceae
Yucca baccata *	Spanish Bayonet	S/T	.	Agavaceae
Zantedeschia aethiopica *	Calla Lily	PG	.	Arecaceae

Notes: Scientific nomenclature follows Hickman (1993) and Flora of North America Committee (1998-2007).
Scientific names in bold typeface are rare in Ventura County (<11 populations) or rare statewide.
Common names follow Abrams and Ferris (1960), Neihaus and Ripper (1976), and DeGarmo (1980).
An "*" indicates non-native species which have become naturalized or persist without cultivation.
A "+" indicates ornamental or agricultural plant species that are actively cultivated.

Growth habit definitions:
AG = annual grass or graminoid/monocot.

Scientific Name	Common Name	Growth Habit	Wetland Indicator Status	Family

AH = annual herb.
AV = annual vine.
BH = biennial herb.
PG = perennial grass or graminoid/monocot.
PH = perennial herb.
PV = perennial vine.
S = shrub.
T = tree.

Wetland indicator status (Reed 1988): OBL = obligate wetland species, occurs almost always in wetlands (>99% probability).
FACW = facultative wetland species, usually found in wetlands (67-99% probability).
FAC = facultative species, equally likely to occur in wetlands or nonwetlands (34-67% probability).
FACU = facultative upland species, usually occur in nonwetlands (67-99% probability).
+ or - symbols are modifiers that indicate greater or lesser affinity for wetland habitats.
NI = no indicator has been assigned due to a lack of information to determine indicator status.
* = a tentative assignment to that indicator status by Reed (1988).
A period "." indicates that no wetland indicator status has been given in Reed (1988).
Parentheses around an indicator status indicates the wetland status as suggested by David Magney based on extensive field observations.